

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Brett J. Catoe a/k/a Brett James Catoe,)	C/A No. 9:17-3372-JFA-BM
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Lieber Correctional Institution and Medical)	
Staff,)	
)	
Defendants.)	

The *pro se* plaintiff is an inmate with the South Carolina Department of Corrections (“SCDC”). He brings that action pursuant to 42 U.S.C. § 1983 alleging various claims concerning his living conditions and medical care.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein he suggests that this court should dismiss the action pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for lack of prosecution. See *Link v. Wabash R.R. Co.*, 370 U.S. 626 (1962); *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989).

The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

By order of February 8, 2018 (ECF No. 8), the plaintiff was advised by the Magistrate Judge that his case was not in proper form and was provided instructions and forms to bring the case into proper form for judicial screening. The plaintiff was also advised regarding the amendment of his complaint to address the specified defects in his original complaint. The plaintiff did not respond to the Magistrate Judge's order. No change of address was filed by the plaintiff and no mail has been returned from the plaintiff or postmaster.

The Magistrate Judge noted in the Report that if the plaintiff notifies the court within the time set for filing objections thereto, the Clerk is directed to vacate the Report and Return the file to the Magistrate Judge for further handling. And, if no objections are filed, the Clerk is directed to forward the Report to the district judge for disposition.


The plaintiff has not filed any objections or response to the Report, which was entered on the docket on March 13, 2018 (ECF No. 10), and the time within which to do so has expired. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). The court must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

The Magistrate Judge has allowed the plaintiff ample time and opportunity to respond to the court's orders and the plaintiff has failed to do so. It appears that the plaintiff meets all of the criteria for dismissal under Rule 41(b). *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989).

After carefully reviewing the applicable laws and the record in this case, this court accepts the Magistrate Judge's Report and Recommendation and finds that the Report fairly and accurately summarizes the facts and applies the correct principles of law.

Accordingly, this action is dismissed without prejudice pursuant to Rule 41(b).

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge

May 22, 2018
Columbia, South Carolina